

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)
)
V.)
)
MATTHEW WRIGHT)

Criminal Action No.: 03-10394-WGY

UNITED STATES DISTRICT COURT
DISTRICT OF MASS.

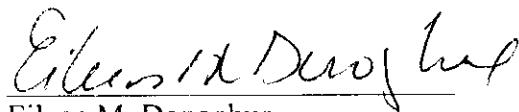
**DEFENDANT'S MOTION FOR DOWNWARD
DEPARTURE**

The defendant, MATTHEW WRIGHT, for the reasons explained below, respectfully moves that this Court grant him a downward departure insofar as grant him a reduction to Criminal History Category I, because Category II over represents the severity of the defendant's criminal conduct.

As set forth in the Presentence Report prepared in this case, probation is attributing 3 criminal history points to the defendant, and concluding that he therefore warrants a Criminal History Category II. Each of the offenses, set forth in Paragraphs (33), (34) and (37) on pages 6 and 7 of the Presentence Report illustrate minor nature of the offenses, namely shoplifting, for which the defendant paid a \$100 fine; possession of a small amount of drugs, namely a small amount of marijuana and a small amount of hallucinogens in a plastic bottle; (the predicate offense), and lastly, on the date that the search warrant was executed in the case before this court, a search was conducted of the defendant's truck, and two burnt marijuana cigarettes were located in the ashtray. For the offense which the defendant was charged on the date of the execution of the warrant, the defendant admitted sufficient facts in district court, and the matter was continued without a finding.

The defendant admits that the Criminal History Category II substantially overt represents the seriousness of his criminal history, and respectfully requests that this Honorable Court grant him a downward departure pursuant to U.S.S.G. §4A1.3.

Respectfully submitted,
By his Attorney,



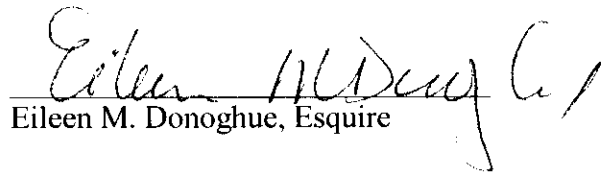
Eileen M. Donoghue
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BBO#130040

Dated: November 1, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon William H. Connolly, AUSA and Ina Howard-Hogan, U.S. Probation Officer via facsimile.

November 1, 2004



Eileen M. Donoghue, Esquire